

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Christopher C. Botta, Esq (#0312561992)

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Attorneys for Defendant,

Borough of Emerson

EMERSON REDEVELOPERS URBAN
RENEWAL, L.L.C.,

Plaintiffs,

vs.

THE BOROUGH OF EMERSON, NEW
JERSEY, AND DANIELLE DIPAOLO,

Defendants.

Civil Action No.: 2:20-cv-04728
(MCA-MAH)

Civil Action

**NOTICE OF MOTION
FOR SUMMARY JUDGEMENT**

To: JOSEPH B. FIORENZO, ESQ.
STEPHEN M. KLEIN, ESQ.
SILLS CUMMIS & GROSS P.C.
The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102

RICHARD MALAGIERE, ESQ.
LEONARD E. SEAMAN, ESQ.
THE LAW OFFICES OF RICHARD MALAGIERE
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Moonachie, New Jersey 07074

PLEASE TAKE NOTICE THAT that the undersigned attorneys for Defendant, Borough of Emerson, will move this Court before The Honorable Madeline Cox Arleo, U.S.D.J. at the United States District Courthouse for the District of New Jersey, M.L. King Jr. Federal Bldg. & US Courthouse, 50 Walnut Street, Newark, New Jersey 07102, on October 21, 2024, or a date to be set by the Court, for an Order pursuant to Fed. R. Civ. P. 56 dismissing plaintiff's First Amended Complaint with prejudice, and for such other and further relief as the Court may deem proper in the circumstances.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the Statement of Material Facts, Brief, Certification of Counsel with Exhibits, and Certificate of Service attached hereto in support of said application. A proposed form of Order is annexed hereto.

BOTTA ANGELI, L.L.C.

*Attorneys for Defendant,
Borough of Emerson*

By /s/ Christopher C. Botta
Christopher C. Botta [#031561992]

Dated: September 19, 2024